

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ONKAR SINGH, *on his own behalf and on
behalf of others similarly situated,*

Plaintiff,

-against-

JGAJ PETROLEUM, INC., *d/b/a* 310 Broadway
Mobil, et al.

Defendants.

**ORDER ADOPTING REPORT
AND RECOMMENDATION**

18-CV-12327 (PMH)

PHILIP M. HALPERN, United States District Judge:

On December 29, 2018, Troy Law, PLLC commenced this action on Onkar Singh's ("Plaintiff") behalf. (Doc. 1). Since then, Plaintiff has demonstrated through both his words and conduct that he no longer wishes to pursue this litigation.

On March 4, 2021, Magistrate Judge Krause issued a Report and Recommendation ("R&R") recommending that Plaintiff's case be dismissed for failure to prosecute under Federal Rule of Civil Procedure 41(b). (Doc. 74). The R&R advised, in pertinent part, as follows:

Pursuant to 28 U.S.C. § 636(b)(1) and Rule 72(b) of the Federal Rules of Civil Procedure, the parties shall have fourteen (14) days from service of this Report and Recommendation to file written objections. *See also* Fed. R. Civ. P. 6(a), (d) (adding three additional days when service is made by mail). A party may respond to another party's objections within fourteen (14) days after being served with a copy. Fed. R. Civ. P. 72(b)(2). Such objections, and any responses to such objections, shall be filed with the Clerk of the Court, with courtesy copies delivered to the chambers of the Honorable Philip M. Halpern, United States District Court, Southern District of New York, 300 Quarropas Street, White Plains, New York, 10601, and to the chambers of the Honorable Andrew E. Krause at the same address.

(*Id.* at 7). Magistrate Judge Krause warned further that “[f]ailure to file timely objections to this Report and Recommendation will result in a waiver of objections and will preclude appellate

review.” (*Id.* at 8 (emphasis in original)). Over seven months have passed since a copy of the R&R was mailed to Plaintiff, and no objections have been filed.


“A district court reviewing a magistrate judge’s report and recommendation ‘may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.’” *Antoine v. Warden*, No. 20-CV-05130, 2021 WL 4066654, at *1 (S.D.N.Y. Sept. 7, 2021) (quoting 28 U.S.C. § 636(b)(1)). “The district court may adopt those portions of the recommended ruling to which no timely objections have been made, provided no clear error is apparent from the face of the record.” *Olivo v. Graham*, No. 15-CV-09938, 2021 WL 3271833, at *1 (S.D.N.Y. July 30, 2021) (citing *Wilds v. United Parcel Serv., Inc.*, 262 F. Supp. 2d 163, 169 (S.D.N.Y. 2003)).

Upon a careful and complete review of the R&R, the Court finds no clear error in Magistrate Judge Krause’s thorough and well-reasoned analysis, and adopts the R&R in its entirety for the reasons set forth therein. Consequently, Plaintiff’s case is hereby dismissed without prejudice.

The Clerk of the Court is respectfully directed to mail a copy of this Order to Plaintiff and close this case.

SO ORDERED:

Dated: White Plains, New York
October 12, 2021



PHILIP M. HALPERN
United States District Judge